

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 CURTIS HARRIS,

12 Petitioner,

13 v.

14 SCOTT KERNAN, Secretary, et al.,

15 Respondents.
16

Case No.: 15-1794 GPC (PCL)

**ORDER SUA SPONTE
SUBSTITUTING RESPONDENT**

17 Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of
18 Habeas Corpus pursuant to 28 U.S.C. § 2254. At the time of filing, Petitioner was
19 apparently housed at North Kern State Prison and thus named Kelly Santoro, Warden, as
20 Respondent. Based on the notice of change of address Petitioner submitted to the Court
21 on October 17, 2016, it appears Petitioner is no longer housed at North Kern State Prison;
22 rather, it appears he is presently incarcerated at Kern Valley State Prison in Delano,
23 California.


24 A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28
25 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner's place of custody
26 has changed, so has his custodian. Accordingly, in order to conform with the
27 requirements of Rule 2(a) of the Rules Governing § 2254 Cases and to avoid changing
28 the Respondent again if Petitioner is transferred to another prison or paroled, the Court

1 hereby sua sponte **ORDERS** the substitution of Scott Kernan, Secretary of the California
2 Department of Corrections and Rehabilitation, as Respondent in place of “Kelly
3 Santoro.” *See Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996) (stating that
4 the respondent in § 2254 proceedings may be the chief officer in charge of state penal
5 institutions).

6 The Clerk of the Court will modify the docket to reflect “Scott Kernan, Secretary”
7 as respondent in place of “Kelly Santoro.”

8 **IT IS SO ORDERED.**

9 Dated: 11-1-2016



Peter C. Lewis
United States Magistrate Judge